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10/593,075	06/28/2007	Mats Janstaff	9077-000008/US	6480
30593	7590	03/15/2010	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			HUG, ERIC J	
P.O. BOX 8910			ART UNIT	PAPER NUMBER
RESTON, VA 20195			1791	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/593,075	Applicant(s) JANSTAFF, MATS	
	Examiner Eric Hug	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006 to 28 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 18 and 20-26 is/are rejected.
- 7) ☒ Claim(s) 4-17 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26 provides for the use of a translation device, but since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 26 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 18, 20-22, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hooper (GB 2234569).

Hooper discloses a drive mechanism for a reciprocating shower of a paper machine. The reciprocating shower is arranged above a moving surface to be cleaned, such as a fourdrinier wire. The shower reciprocates transversely to the traveling direction of the wire, ideally across the entire width of the wire. The shower is driven continuously by a crank assembly, shown in Figures 1-3 as con-rod 6 and rotary crank 7, via a drive mechanism which includes a rotary motor 8, a gearbox 9, and a transmission section 11. The rotary crank 7 is coupled directly to an output shaft 13 of the transmission section 11 of the drive mechanism.

Regarding claim 1, the drive mechanism of Hooper comprises a motor, a holder (connecting con-rod 6 to shower pipe 3), and an attachment device (the base of the drive mechanism holding the gearbox 9 and transmission section 11; see Figure 2) as given by the preamble, and performs the function of providing translational movement to the attachment device perpendicular to a paper web as given by the preamble. Structurally, rotary crank 7 is the claimed first arm and con-rod 6 is the claimed second arm. The rotary crank 7 is attached to the attachment device and arranged to be driven about a first axis of rotation by motor 8. The con-rod 6 is coupled to the rotary crank 7 at a second axis of rotation. The end of the con-rod 6, that

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which is connected to the holder on the shower, constitutes a third axis of rotation. All of the structural features, the arrangements thereof, and the functional features of the claims are taught by Hooper.

Regarding claim 2, second arm (con-rod 6) is turnably arranged on the first arm (rotary crank 7).

Regarding claim 18, Figure 2 shows a perpendicular link arm coupling the con-rod 6 and rotary crank 7.

Regarding claim 20, as best seen in Figure 2, the rotational axes of the con-rod 6 and rotary crank 7 are parallel to each other.

Regarding claim 21, the distance between the first axis of rotation (at the transmission section) and the second axis of rotation (connecting the con-rod and rotary crank) is greater than the distance between the second axis of rotation and the third axis of rotation (connecting the con-rod to the holder).

Regarding claim 22, as best seen in Figure 2, the length of the two arms (con-rod and rotary crank) are perpendicular to each axis of rotation.

Regarding claim 26, as the features of claim 26 are encompassed by claim 1, the device of Hooper meets the claimed use.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hooper (GB 2234569) in view of Wilder (US 5,967,452).

The reciprocating drive mechanism of Hooper as applied to claim 1 is described above. The mechanism comprises first and second arms (rotary crank 7 and con-rod 6) coupled to a motor assembly to provide reciprocating movement of an attached shower pipe transversely to a paper machine wire. The device of Hooper does not have a third arm and a fourth arm and corresponding fourth and fifth axes of rotation as claimed.

Wilder discloses a holder system for a roll of toilet paper comprising a coupling between the roll holder and a wall mount, such that the coupling enables the roll holder to be extended and retracted linearly from the wall mount. One embodiment, the folding ruler style, is shown in Figure 3. In this embodiment, the coupling consists of a number of links 46 coupled rotatably to each other at the ends by pins 48. The first link is coupled to the wall mount, and the last link is coupled to the roll holder. Clearly, this embodiment comprises more than two arms (six are shown). Therefore, at the time of the invention, it would have been obvious to one skilled in the art to construct the reciprocating drive mechanism of Hooper to have successive pairs of arms, rather than one pair of arms, as taught by Wilder, as a functionally equivalent alternative. One obvious advantage of using multiple pairs of arms instead of one pair of arms in Hooper would

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be the length of the arms is reduced, therein reducing the possibility of bending or torsion on the arms that could cause the holder to translate non-linearly.

3. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hooper (GB 2234569) in view of Applicant's admission of prior art.

The reciprocating drive mechanism of Hooper for a paper machine is described above as applied to claim 1. The mechanism comprises first and second arms (rotary crank 7 and con-rod 6) coupled to a motor assembly to provide reciprocating movement of an attached shower pipe transversely to a paper machine wire. Hooper does not disclose holding a measuring sensor or a cutting tool.

Applicant admits of prior art translation devices on paper machines for moving devices such as a measuring sensor or water jet cutter, wherein the sensor or jet is arranged above a paper web on a carriage along a rail, and moved along the rail perpendicularly to the traveling direction of the paper web by the translation device. Being that translation of sensors or water jets is generally well known in the art, at the time of the invention, it would have been obvious to one skilled in the art to provide the drive mechanism of Hooper on a paper machine for the purpose of translational movement of a sensor or water jet as a functional alternative to the carriage/rail system.

Allowable Subject Matter

Claims 4-17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The claims are allowable for at least further providing a first transfer means arranged between the first wheel and the second wheel which provides mechanical coupling between the movement of the first arm and the movement of the second arm.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lorbiecki (US 6,626,408)

Thievessen (US 4,895,314)

Lindgren (US 4,718,815)

Sekerich (US 4,003,536)

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is (571) 272-1192.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric Hug/
Primary Examiner, Art Unit 1791